

App. No. 09/611,355
Amdt. Dated March 5, 2004
Reply to Office Action of December 5, 2003
Atty. Dkt. No. 6550-100

REMARKS/ARGUMENTS

This reply is responsive to an Office Action dated on December 5, 2003. Claims 1-68 were pending in the subject application. Claims 31-36 have been elected with traverse and are currently being examined. In order to clarify the language of the claims, Applicant has amended claims 31 and 47, and added new claims 69, 70 and 71.

The amendments to the claims were clarifying amendments, and there is no intent to surrender equivalence.

Claims 69, 70 and 71 are newly presented claims and are similar to amended claim 31.

Specification

The Specification was objected to as having an abstract which exceeds 150 words in length. Thus, the abstract has been amended to contain fewer than 150 words.

Claim Rejections – 35 U.S.C. Section 103

Claims 31-61 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Iliff U.S. patent 6,022,315 in view of Reuss U.S. patent 6,364,834.

The Iliff patent disclosed a method using a computerized medical diagnostic treatment advice system, which provides medical advice to the general public over networks. In this regard, a patient computer can access a website over a network such as the Internet. The patient computer can then interact with the website, whereby patient information concerning a medical condition is analyzed according to the algorithm of the computer software being used. As a result of the information received from the patient, a message is sent to the patient to provide a diagnosis to the patient.

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Therefore, the Iliff patent discloses a system for providing advice, but not for providing medical care as presently claimed by the Applicant. Moreover, the Iliff method does not disclose, amongst other things, "accessing a computer database to select appropriate personnel according to said response personnel description to make a non-emergency house call when it is determined to be appropriate." The Iliff patent does not disclose the accessing of a database, and does not retrieve any information regarding the selection of appropriate personnel to make a house call. Instead, the Iliff system merely provides medical advice.

The Reuss patent discloses a method for remotely monitoring multiple medical parameters in a medical monitoring system. The medical monitoring system of Reuss enables the transmission of a medical alert message from a patient to remote access devices. See Column 3, lines 35-60.

The Reuss method automatically sends the medical alert message on discovering an alarm condition or the patient can transmit this information himself or herself to a central monitoring system. See Column 5, lines 37-64.

Thus, the Reuss patent discloses a medical alert system for sending pre-recorded alarm messages to health care providers in emergency situations. It should be noted that there is no teaching, nor suggestion, of "executing a computer program to review said medical information and to request screening information from the patient to determine the severity of the medical condition of the patient." Instead, the Reuss medical alert system has a preprogrammed alarm message which is sent to the health care providers for immediate emergency response.

Additionally, there is no disclosure nor suggestion in the Reuss patent of providing a method for "determining whether or not the patient is appropriate to receive a non-emergency house call, in response to screening information received from the patient." Instead, the Reuss medical alert method is intended for emergency use.

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Additionally, the Reuss method does not disclose "sending a message to the patient recommending he or she not receive a non-emergency house call at this time when a non-emergency house call is determined to be not appropriate". Instead, the Reuss method is a medical alert method for promptly dispatching medical personnel on an emergency basis.

In short, neither the Iliff patent, nor the Reuss patent, discloses the method as presently claimed. Also, there is no teaching of a motivation to combine the teachings of the Iliff and Reuss patents. The Iliff patent discloses a medical advice dispensing arrangement, and does not contemplate the providing of medical care. The Reuss patent is a medical alert monitoring system, and is only useful in the area of monitoring and sending personnel in response to a medical alert or alarm condition.

Therefore, claims 31-61, and new claims 69, 70 and 71, patentably distinguish over the Iliff patent, either taken alone or in combination with the Reuss patent, or the other cited art of record.

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Respectfully submitted,

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